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**TRIAL — VERDICTS — VALIDITY OF VERDICT RENDERED AFTER DISCHARGE OF JURY.** — In an action for negligence, the court submitted to the jury the questions of the defendant's negligence, the plaintiff's contributory negligence, and the damages, instructing them that if they found either of the first two questions in favor of the defendant, they need not discuss the third. The jury disagreed on the third question and were duly discharged. Immediately thereafter it was discovered that they had found the plaintiff guilty of contributory negligence, so they were called back into the box, and their verdict was taken for the defendant. Thereupon the plaintiff moved for a new trial. *Held*, that the motion be denied. *Rippley v. Frazer*, 69 N. Y. Misc. 415. (Sup. Ct.).

A recent New York case held under similar circumstances that where by mistake a disagreement has been entered upon the record the affidavits of the jurors as to their findings are admissible to correct the record. *Wirt v. Reid*, 138 N. Y. App. Div. 760. For a discussion of the principles involved, see 24 HARV. L. REV. 162. The situation in the principal case is analogous, but taken at an earlier stage in the proceedings. And though it may be severe, logically it seems difficult to get away from the fact that the jury has been discharged without rendering any valid verdict, and that therefore there has been a mistrial. See *Fisk v. Henarie*, 32 Fed. 417, 427.

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## BOOK REVIEWS.

**YEAR BOOKS OF EDWARD II. Vol. V: THE EYRE OF KENT, 6 & 7 Edward II** (being the 24th volume of the Selden Society publications). Edited by the late Frederic William Maitland, the late Leveson William Vernon Harcourt, and William Craddock Bolland. London: Benard Quaritch. 1910. pp. cii, 232 [422].

This volume contains the first portion (including the pleas of the crown) of the Kentish Eyre of 1313-14. It is a real year book, not the roll of the eyre, like Maitland's Pleas for Gloucester. It gives us therefore, for the first time in print, a description of the actual proceedings in the eyre, in several parallel versions, each supplementing and confirming the others; for the manuscripts are numerous, and fall into at least four classes, indicating as many original reports.

The eyre lasted for a year. The judges journeyed to Canterbury and opened the eyre with great formality. Proclamations were made, the commission read, the articles of the eyre were opened, and the jurors charged and retired for a few days to prepare their presentments. Then the franchises were claimed, and allowed or disallowed according to the record of the preceding eyre, twenty years before. Then, with the presentments of the jurors, the judicial business begins. This business is of the same sort that we find in the published rolls of the thirteenth and early fourteenth century; but the record is illuminated by the remarks of the judges from time to time, and with the arguments of counsel. It is a vivid and illuminating picture of the administration of justice at the time.

The editorial work is well done. Mr. Bolland has written a scholarly introduction. We of course miss the master-touch of his great predecessor; but his work brings promise of excellent results in time to come. It is a satisfaction to find again such cogent proof that no man, however great, is indispensable.

J. H. B.